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HOUSING AND URBAN DEVELOPMENT SECRETARIAT

Notification No. HMA 462 MLR 77, dated 10th May 1978.

In exercise of the powers conferred by sub-section (2) of Section 323 of the Karnataka Municipalities Act, 1964, the Government of Karnataka hereby makes the following rules, the draft of the same having been published as required by sub-section (1) of Section 323 of the said Act in Notification No. HMA 462 MLR 77 dated 23rd November 1977 published as G.S.R. 351 in Part IV-2-c(i) of the *Karnataka Gazette*, Extraordinary dated 26th November 1977, namely:—

PART I—Preliminary

1. **Title and Commencement**:—(1) These rules may be called the Karnataka Municipalities (Procedure and Conduct of Business) Rules, 1977.

(2) They shall come into force at once.

2. **Definition**:—In these rules, unless the context otherwise requires,

(a) 'Act' means the Karnataka Municipalities Act, 1964;

(b) 'section' means a section of Act.

PART II—General Rules of Procedure and conduct of Business

3. **Date, time and place of the meeting of the Municipal Council**:—The date, time and place of a meeting of the Municipal

Council shall be decided by the President. The Municipal Commissioner, or the Chief Officer as the case may be shall indicate the date, time and place of the meeting in the notice to be sent to the councillors. The notice of meeting shall be sent to the registered address of each of the councillors.

Explanation.—For the purposes of this rule the registered address of a councillor means the address for the time being entered in the register of addresses of councillors maintained by the municipal office.

4. Preparation of agenda.—The agenda for a meeting shall be prepared by the Municipal Commissioner or the Chief Officer, as the case may be, under the direction of the President.

5. Roll of councillors.—There shall be a roll of councillors. It shall be signed by every councillor after he arrives to attend a meeting of the municipal council. The Presiding Authority shall total the attendance of the Councillors and sign the roll at the end of the meeting.

6. Conduct of Business of the meeting when there is quorum.—At the hour fixed for the meeting of the municipal council if a quorum is present, the business of the meeting may at once commence and. if neither the President nor the Vice-President be present the councillors present shall elect a person to preside as required by sub-section (2) of section 51. If the President or the Vice-President arrives after the person to preside has been chosen by the councillors, the person presiding shall leave the Chair and the President or the Vice-President, as the case may be, shall preside.

7. Procedure to be followed when there is no quorum.—If during the meeting, the presiding authority notices that a quorum is not present, or any councillor calls the attention of the presiding authority to the fact that a quorum is not present, the presiding authority shall immediately suspend the business of the meeting and shall count the number of councillors present, and if that number is insufficient to form a quorum, the presiding authority shall follow the procedure laid down in section 50.

8. Confirmation of minutes of the previous meeting.—At the commencement of the proceedings of each ordinary general meeting and special meeting, if any, the minutes of the previous ordinary general meeting shall be read and confirmed, if any councillor present objects to the minutes as having been incorrectly or incompletely recorded, the presiding authority shall after taking the sense of the councillors who are present at that meeting make such amendments as he thinks proper, and the amended minutes shall then be confirmed and signed by the presiding authority.

9. **Rules to be observed while speaking.**—(1) The following procedure shall be observed at a meeting of the Municipal Council :—

(a) a councillor desiring to make any speech or observation on any matter under discussion in the meeting shall speak from his place, shall rise when he speaks and shall address the presiding authority ;

(b) if at any time the presiding authority rises to speak, the councillor speaking or offering to speak shall resume his seat forthwith ;

(c) all questions from one councillor to another, relating to the business of the meeting shall be put through the Chair ;

(d) no councillor shall speak more than once on any matter but the proposer may speak in conclusion also after hearing all others who wish to speak ;

(e) written speeches shall not be read without the permission of the presiding authority ;

(f) the matter of every speech shall be strictly relevant to the matter under discussion before the meeting and a councillor while speaking shall not :

(i) refer to any matter or fact on which a Judicial decisione is pending ;

(ii) make personal charge against a councillor or officer or other employee of the Government of Karnataka or any officer of the Government of India or of any other State or the Municipal Council ;

(iii) make use of offensive expression regarding the Parliament or any State Legislature or any public institution ;

(iv) reflect upon the conduct of the President of India, the Vice President of India or any Governor, Minister or Administrator, or the Head of any Foreign State, the Presiding Officers of the Houses of Parliament or of a State Legislature, a Judge of the Supreme Court or a Judge of a High Court, in the discharge of their duties or any court of law acting in the exercise of its judicial functions ;

(v) Utter treasonable, seditious or defamatory words ;

or

(vi) use his right of speech for the purpose of wilfully and persistently obstructing the business of the municipal council.

(2) The presiding authority after having called the attention of the meeting to the conduct of a councillor who acts contravention of clause (f) of sub-rule (1) or persists in irrelevance or in tedious repetition of either of his own arguments or of the arguments used by any other councillor in debate, may direct him to discontinue his speech, and he shall discontinue it forthwith

(3) A councillor may, with the permission of the presiding authority, make a personal explanation although there is no question before the municipal council, but in which case no debatable matter may be brought forward and no debate shall arise.

10. Point of Order —Any councillor may at any time. during a meeting of the municipal council submit a point of order for the decision of the presiding authority but in doing so, shall confine himself to stating the point and the presiding authority shall decide all points of order which may arise or be referred to him and his decision shall be final.

11. Closure.—It shall be competent for any councillor at the close of any speech on any item other than a budget item to move without debate, "That the question be now put" and the motion if seconded shall unless it shall appear to the presiding authority that such motion is an abuse of these rules or an infringement of the rights of the minority, be put forthwith Should the motion be carried, the mover shall be entitled to reply, but he shall bring his reply to a close within five minutes. Thereafter the motion or amendment undee debate shall be at once put.

12. How votes are taken.—Subject to section 52 of the Act, where voting is demanded the Presiding authority shall take the votes and declare the results of the voting".

13. Power of presiding authority to group items of business.—It shall be competent to the presiding authority, with the consent of the majority of the councillors present to submit for consideration as one subject any two or more items of business relating to the same subject although such items may not have been grouped together on the list of business. It shall also be competent to the presiding authority when more than one meeting have been called for the same day, to submit, with the consent of the majority of the members present. for consideration as one subject and for disposal by one of such meetings any two or more items of business relating to the same subject notwithstanding that such items may appear on the respective list of business or separate meetings to be held on that day.

14. Motion may be put in parts.—(1) The presiding authority shall have the power to divide into two or more distinct parts any motion or amendment which in his opinion, is so complicated as to be likely to lead to confusion or inconvenience by being debated as one motion.

(2) When by virtue of sub-rule (1), a motion or amendment is divided, it shall not be necessary, unless the presiding authority decide to the contrary, for the second and following portions of such motion or amendment to be again separately moved and seconded, but the parts of the motion so divided shall be put to the vote by the presiding authority one after another.

15. Mode of addressing the meeting.—Each councillor rising to speak shall direct his speech to the question before the meeting or an amendment which he is himself about to propose or to a point of order, addressing the presiding authority from his place A councillor having spoken on a motion or amendment is not at liberty to speak again on such motion or amendment :

Provided that the mover of a motion or amendment shall have a right of reply, after the presiding authority has ascertained that no other councillor desires to speak :

Provided further, that any councillor may second a motin or amendment by saying "I Second the motion or amendment" and may reserve his right to speak later :

Provided also, that a councillor who wishes to explain any misconception of expressions used by him may do so with the permission of the presiding authority.

16. Time allowed for speaking.—No councillor shall on any occasion speak for more than five minutes, provided that the mover of a motion or amendment while opening the debate may speak for ten minutes and provided further that the presiding authority may at his discretion permit a councillor in the course of debate to speak for a period not exceeding thirty minutes.

17. Resolution of standing committees to be moved and seconded by members .—When a resolution of the Standing Committees is submitted to the general meeting for adoption, its adoption should ordinarily be moved and seconded by members of the concerned committee.

18. Amendments.—After a motion has been moved and seconded any councilors may propose an amendment thereto:

Provided that no councillor shall be at liberty to propose more than one amendment to any motion, except when such motion is for the passing of a budget or of a set of general rules or is otherwise of such nature as to require the making of any amendment to different parts of it.

19 Presiding authority to read the proposition to Councillors:—The proposer of any amendment shall state it or deliver it in writing to the presiding authority at any time before he resumes his seat. When the mover of a motion or amendment has resumed his seat, the presiding authority shall read the motion or amendment to the councillors and ask if any councillors second it, and until the motion or amendment is seconded, the presiding authority shall not permit any discussion on the question. If no councillor seconds the motion or amendment, the presiding authority shall declare that the motion or amendment, is lost.

20. Reading of passages from books or documents:—A Councillor may refresh his memory from notes and may with the consent of

the presiding authority read passage from book or documents cited in support of his argument.

21. Any councillor may move proposition of which notice has been given if origional mover is absent or unwilling —If councillor has given due notice to move a motion, and if that councillor be not present at the meeting or shall have ceased to be a councillor before the meeting or be unwilling to move the proposition of which he has given notice, any councillor present at the meeting may, with the consent of the presiding authority, move the motion, of which notice has been givien.

22. Amendments to omit words etc., from original propositions to be clear and relevant and not mere negatives of previous proposition.—An amendment shall usually be in the form of a proposal to omit words from the original proposition, to insert words therein, or do add words thereto :

(2) Every amendment shall be relevant to the motion it is proposed to amend and shall be framed so as to form therewith an intelligible and consistent sentence.

23. Amendments may be sent to President before hand in writing.—A councillor who intends to propose an amendment to a motion may send or deliver at any time before hand to the President his proposed amendments in writing.

24. Order to observe when there are more amendments than one.—After a motion has been proposed and seconded, amendments given notice of shall be arranged in the order in which if agreed to each would stand in the amended motion and if any more proposed amendments are given notice of or handed to the presiding authority, they shall be inserted in that order and the presiding authority shall call upon the proposers of amendments in that order to move their amendments.

25. Amendments to amendments :—After any amendment has been proposed and seconded, any councillor may move that the amendment be amended by the omission, insertion or addition of certain words, and the presiding authority shall thereupon ask if any other councillor seconds the proposal and if seconded, the proposal to amend to amendment shall then become the question before the meeting.

26 No. amendment towards already resolved could be made.—No amendment may be made towards which it has already been resolved that it shall stand part of, to be added to, the original motion or amendment except by addition of other words.

27. Amendment once negatived not to be proposed :—No amendment may be proposed which is the same, in substance, as a motion or amendment which has been negatived at the same meeting.

28. Presiding authority to move propositions without vacating Chair .—The presiding authority may move and second motion or amendments, speak and vote without vacating the Chair.

29. Budget Discussion :—When a budget or re-appropriation statement is laid before a general meeting, the procedure shall be as follows :—

(1) The presiding authority shall read each item of the abstract of receipt and expenditure and shall, without any mover or seconder put to the meeting the question ' that this item stands part of the budget or re-appropriation statement.

(2) If any councillor proposes to reduce or increase or strike off the item and the proposal be seconded, such proposal shall be treated as an amendment and shall become the question before the meeting.

30. Proposal to adjourn or postpone :—A proposal to adjourn a meeting or for closure or to postpone the consideration of questions shall take precedence over any other subject under discussion before the meeting.

Part III-Resolitions

31. Notice of Resolution :—A councillor who wishes to move a resolution shall give notice to the Municipal Commissioner or Chief Officer as the case may be, of not less than ten days' previous to the date of the ordinary general meeting of his intention to bring forward here at the said resolution .—

Provided that no member shall be permitted to send in notice of more than two resolutions for an ordinary general meeting.

32. Condition for admissibility of resolution. —No resolution shall be admissible which does not comply with the following conditions, namely :—

(a) it shall be in the form of a declaration of opinion of municipal council ;

(b) it shall be clearly and precisely expressed and shall raise substantially one definite issue ;

(c) it shall not relate to a matter which is not primarily the concern of the municipal council or any of the municipal authorities;

(d) it shall not be in contravention of any provisions of the Act, rules, or bye-laws ;

(e) it shall not contain arguments, inferences, ironical expressions, or defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity; and

(f) it shall not relate to any matter which is under adjudication by a court of law.

33. **President to decide admissibility of a resolution** — (1) The President shall decide the admissibility of a resolution and may disallow any resolution or a part thereof when in his opinion it does not comply with these rules.

(2) Where the form or wording of a resolution is, in the opinion of the President requires amendment to secure compliance with these rules, the President may amend the resolution and inform the member accordingly.

(3) If any doubt arises whether any resolution or is not contravention of these rules the President shall decide the point and his decision shall be final.

(4) If the President disallows any resolution, the fact of such disallowance shall be communicated in writing to the councillor who has given notice of such resolution indicating the reasons for disallowance.

34. **List of Resolutions.**—The Municipal Commissioner, or the Chief Officer, as the case may be, shall prepare a list of all resolutions admitted and arrange them in the order in which notices are received in point of time. A list of admitted resolutions, so arranged shall be sent to each councillor along with the notice of the meetings.

35. **Movings of Resolution.**—(1) A councillor in whose name a resolution stands in the list of resolutions shall, except when he wishes to withdraw it, when called upon, move the resolution, in which case he shall commence his speech by a formal motion in the terms appearing in the list of resolutions :

Provided that the councillor may with the permission of the presiding authority, authorise any other member, in whose name the same resolution stands lower in the list of resolutions to move it on his behalf and the member so authorised may move accordingly.

(2) If the councillor when called on is absent any other councillor authorised by him in writing in this behalf may with the permission of the presiding authority move the resolution standing in his name.

36. **Limits of discussion.**—The discussion of a resolution shall be strictly limited to the subject of the resolution.

37. **Order of debate.**—After a resolution is duly moved and seconded, other councillors may speak on the resolution in such order as the presiding authority may direct and thereafter the mover may reply to the debate.

38 **Time limit of speeches.**—No speech on a resolution shall except with the permission of the presiding authority exceed five minutes duration, provided that a mover of the resolution when moving the same may speak for ten minutes.

39. **Terms of orginal motion and amendment to be read.**—When an amendment to any resolution is moved or when two or more such amendments are moved, the presiding authority shall, before taking the sense of the municipal council thereon, state or read to the municipal council the terms of the original motion, and the amendment or amendments proposed.

40. **Withdrawal of resolution or amendment.**—No discussion shall be permitted on a motion for leave to withdraw a resolution or amendment except with the permission of the presiding authority.

41. **Presiding authority may close discussion.**—When in the opinion of the presiding authority a resolution or an amendment thereto has-been sufficiently discussed, he may close the discussion by calling upon the mover to reply.

42. **Resolution not discussed.**—If a resolution which has been admitted is not discussed during a meeting or an adjourned meeting it shall be deemend to have been withdrawn.

43. **Repetition of resolution.**—When a resolution has been moved and voted upon or withdrawn with the leave of the municipal council, no resolution or amendment raising substantially the same question shall be moved during the same meeting.

44. **Other provisions applicabale to resolutions.**—(1) The provisions of section 58 relating to motions and amendments shall *mutatis mutandis* apply to resolutions and amendments to resolutions.

(2) Save as provided in rules 30 to 42 the other provisions of these rules relating to procedure and conduct of business in the municipal council, and the rules applicable to motions shall apply in the case of a resolution.

Part IV–Interpellations

45. **Admitted question to be included in the Agenda.**—(1) All questions which are admitted by the President shall be included in the agenda.

(2) The order in which questions are desired to be answered shall be indicated by the Councillors and if no such orders is indicated the questions shall be placed in the agenda in the order in which notices are received in point of time.

46. **List of questions.**—The Municipal Commissioner or the Chief Officer shall prepare a list of all questions admitted and arrange them in the order in which notices are received in point of time. A list of admitted questions so arranged shall be circulated to the councillors one hour before the meeting.

47. **Mode of asking questions.**—(1) When the time for answering interpellations arrives, the presiding authority shall call successively each councillor in whose name a question appears in the list of questions in the order in which the question appears in the list.

(2) The councillor so called shall raise in his place and unless he states that it is not his intention to ask the question standing in his name, ask the question by reference to its number on the list of questions.

48. **Questions of absent councillors.**—If a councillor who has given notice of a question is not present at the time when he is called upon by the presiding authority, the presiding authority may permit any other councillor to put such question, if so authorised in writing by such councillor.

49. **Supplimentary questions.**—Any Councillor may with the permission of the presiding authority put a supplementary question for the purpose of further elucidation of any matter of fact regarding which an answer has been given.

50. **Disallowance of supplimentary questions.**—The presiding authority shall disallow any supplementary question if in his opinion, it infringes the provisions applicable to questions, or if a sufficient or reasonable number of supplementary questions has already been put in respect of the principal question, or if in his opinion it cannot be satisfactorily answered without reference to records or without sufficient notice.

51. **Discussion during question time not to be permitted.**—No discussion shall be permitted during the time allotted for answering interpellations in respect of any question or of any answer given to a question.

Part V Standing Committee

52. **Election of members of the Standing Committee.**—The election of members of the Standing Committies shall be held at a meeting of the municipal council ordinarely during the month immediately preceding the month in which the term of members of the Standing Committee expires.

53. **Presiding authority.**—The meeting for the election of the members of the Standing Committee shall be presided over by the President or in his absence by the Vice-President or in the absence of both the President and the Vice-President by a councillor not intending to stand as a candidate at the election chosen by the members present at the meeting to preside for the occasion.

54. **Nomination of candidates.**—Every candidate for election shall be proposed by a councillor and seconded by another councillor. A candidate who has been proposed and seconded may withdraw his candidature by making a statement to that effect at the meeting of the council. The names of all the candidates who have been proposed and seconded and who have not withdrawn their candidature shall be read out by the person presiding.

55. **Procedure in uncontested elections.**—(1) If the number of candidates whose names are so read out is equal to the number of

vacancies, the person presiding at the meeting shall declare all such candidates as duly elected.

(2) If the number of such candidates is less than the number of vacancies, the person presiding shall declare all such candidates as duly elected and shall either call for fresh nomination or adjourn the election to fill up the remaining vacancy or vacancies to the next meeting of the council.

56. **Procedure in contested elections.**—If the number of candidates exceeds the number of vacancies the votes of the councillors present at the meeting shall be taken by ballot. The Chief Officer or the Municipal Commissioner shall make adequate arrangements to secure secrecy of the ballot.

57. **Manner of voting.**—Every councillor wishing to vote shall be supplied with a voting paper on which the names of all the such candidates shall be typed, printed or stencilled in the following form in the alphabetical order.

	Name	Vote
(1)	...	...
(2)	...	...
(3)	...	...

Each Councillor shall then proceed to the place set apart for the purpose and there, place a cross mark against the name of the candidate or the names of the candidates for whom he wishes to vote. He shall then fold up the voting paper so as to cancel his vote and deposite the same in a ballot box placed in the view of the person presiding at the meeting. The ballot box shall be so constructed that the voting paper may be placed therein but not extracted therefrom without the box being opened. The person presiding at the meeting shall then open the box and count the votes in the presence of two councillors (other than candidates) who shall be nominated by the person presiding.

58. **Declartion of result of election.**—The candidate who obtains the largest number of votes or if there is more than one vacancy, as many of the candidates at the top of the poll as there are vacancies to be filled, shall be declared to have been duly elected. If there be any equality of votes between any two or more candidates and the addition of one vote to any one or more of such candidates will entitle him or them to be declared duly elected, the person presiding at the meeting shall decide by drawing lots in the presence of the councillors to which one or more candidates such additional vote shall be deemed to have been given.

59. **Validity of votes.**—Any voting paper which contains the signature of writing of any of the voting councillor or on which marks are places against more candidates than there are vacancies to be filled shall be invalid.

PART VI–Procedure and Conduct of Business of Standing Commites

60. **Procedure and conduct of business of Standing Committees.**—Save as otherwise provided in these rules the provisions applicable to the conduct of business of a meeting of municipal council shall *mutatis mutandis* apply to the conduct of business of a meeting of a committee as if meetings of committees were included in all references to meetings of municipal council contained in those provisions.

61. **Power of persons presiding in the absence of Chairman.**—The person presiding over a meeting of a committee in the absence of the Chairman shall when so presiding have the same powers as the Chairman when so presiding and all references to the Chairman shall be deemad to be reference to any person so presiding.

62. **Procedure during meetings.**—A proposal before a committee need not be formally seconded or read to the meeting; Members need not stand while speaking and there shall be no restriction to a proposal being withdrawn or modified.

63. **Meetings of the Standing Committee.**—There shall be a meeting of the Standing Committee at least once a fortnight and at such other as may be found necessary.

64. **Secretary of the committee.**—The Municipal Council may appoint a municipal officer to act as Secretary of Standing Committee to help the Chairman in transacting the business of the committee.

65. **Agenda.**—The Chairman of the Standing Committee or the Secretary under the instructions of the Chairman shall prepare an abstract of the business to be transacted at each meeting and circulate it to each member at least one day before the date of the meeting. No business other than that entered in the abstract shall be disposed of at any meeting except with the concurrence of the members present.

66. **Adjournment.**—If a quorum is not present at a meeting of any committee, the meeting shall be adjourned to some other day not more than seven days from the date of such adjournment and the businses which ought to have been transacted at the meeting from which the adjournment took place shall be transacted at such meeting.

67. **Notification of decisions.**—The standing committee may alter or reverse its own decision after recording reasons, provided the same members or majority of them be present to review such decision. But no decision, ruling or practice introduced by a previous standing committee shall be altered without the sanction of the council.

68. **Minutes of proceedings.**—(1) The minutes of every meeting shall be placed at the following meeting of the committee and may if

necessary be corrected so as to make clear the sense of the original reference.

(2) The minutes shall also be laid before the ordinary meeting on the municipal council in the following month.

69. Residuary jurisdiction of Standing Committee —If the council determines more than one committee, the jurisdiction should be determined by the council in a general body meeting.

70. Absence from meeting.—Any member of a Standing Committee absent from three successive meetings of the committee except on account of his ill-health or of his previously notifying the committee verbally or in writing his inability to attend for a definite period, such period not exceeding three months in any case, shall be considered by the committee at its option to have vacated his seat on the committee permanently for the remaining period of his office of the committee. His place shall be filled up by the council.

71. Perusal of records by member of Standing Committee.—Every member of the Standing Committee shall be entitled to peruse or inspect any paper or documents or records of the Municipal Council provided that he does not make or take away copies of any municipal record without the written permission of the President

By Order and in the name of the Governor of Karnataka,

D. SUGANTHA PHILOMENA,

G.S.R.—123 *Under Secy. to Govt., I/c. Housing and Urban Devt. Dept.*

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